



US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200500537

Date: July 20, 2007

Comments Due: August 19, 2007

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application for Contra Costa Water District (CCWD) to build a water intake within Victoria Canal and install a pipeline across agricultural fields to connect to CCWD's existing water conveyance system located on Byron Tract. The Alternative Intake Project (Proposed Action) would permanently affect 0.80 acre of in-channel shallow-water tidal freshwater emergent marsh and result in temporary impact of up to 0.34 additional acre of in-channel shallow-water marsh. In addition, an agricultural drainage ditch at the toe of the existing Victoria Canal levee totaling 0.41 acre would be permanently affected by the construction of the intake structure on Victoria Canal. The project would result in permanent impacts to approximately 1.21 acres of waters of the United States, and temporary impacts to approximately 3.07 acre of waters of the United States, including wetlands, consisting of unnamed agricultural drainage ditches. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Contra Costa Water District (CCWD)
P.O. Box H20
Concord, CA, 94524-2099
Attn: Samantha Salvia.

LOCATION: LOCATION: The project site is located in Townships 1 North and 1 South, Range 4 East, in southeastern Contra Costa and western San Joaquin County, on Victoria Island (Exhibit 1). The project site is bounded by Old River to the west, Victoria Canal to the southeast, and State Route (SR) 4 to the north (Exhibit 2). The project site ranges from approximately 10 feet below mean sea level (msl) to 10 feet above msl in elevation and is located within the U.S. Geological Survey (USGS) 7.5-minute Clifton Court Forebay and Woodward Island Quadrangles (Exhibit 2).

PROJECT DESCRIPTION: The applicant is proposing to construct a water intake structure and pipeline. Based on the available information, the overall project purpose is to protect and improve the quality of water delivered to CCWD's untreated- and treated-water customers. The Proposed Action includes the following facilities:

- 1) Intake and pump station a new 250 cfs intake with a state-of-the art fish screen, a pump station and ancillary structures, utilities, and access and security features.

2) Levee improvements reinforcement and reconfiguration of the levee at the intake/pump station site.

3) Pipeline a conveyance pipeline across Victoria Island, tunneled under Old River and tying into CCWD s existing conveyance facilities on Byron Tract.

4) Western Area Power Administration – An overhead Power transmission line, with power poles along existing roadways on Victoria Island and a river crossing over Old River.

The proposed intake would use CCWD's existing water supply entitlement and would not divert additional water out of the Delta; it would allow CCWD to shift the location and timing of pumping between the existing Old River and Rock Slough intakes and the new location based on water quality. Average annual diversions will not change and annual water usage by CCWD s customers will be unaffected by the proposed project.

The Proposed Action includes permanently filling 0.80 acre of in-channel shallow-water tidal freshwater emergent marsh as well as up to 0.34 acre of temporary impact to in-channel shallow water emergent marsh. In addition, an agricultural drainage ditch present at the toe of the existing Victoria Canal levee totaling 0.41 acre will be permanently affected by the construction of the intake structure on Victoria Canal. Construction of the Proposed Action would begin with improvements on the land side of the existing levee. Temporary impacts to agricultural drainage ditches, totaling 3.07 acres, will occur with the installation of the conveyance pipeline across Victoria Island. The construction of an intake structure within the channel of Victoria Canal will require the installation of a cofferdam and fish barriers to ensure that sensitive aquatic species are isolated from the construction area. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Lead Federal Agency. The U.S. Bureau of Reclamation (Reclamation) is the lead federal agency for the project, environmental documents.

Environmental Setting. There are approximately 60.84 acres of perennial drainages, agricultural ditches, a pond, and seasonal wetlands within the project area. The project site is located on Victoria Island and consists of 2639.89 acres of agricultural land, perennial drainages, agricultural drainage ditches, and marsh habitat. The project site is bounded to the west by Old River, to the southeast by Victoria Canal, and to the north by SR 4. The project site is being used for agricultural purposes. The Proposed Action will result in permanent impacts to 0.80 acres of in-channel shallow-water tidal freshwater emergent marsh and 0.41 acre of agricultural drainage ditch. Additional temporary construction-related to in-channel shallow-water tidal freshwater emergent marsh and agricultural ditches total 3.07 acres.

Alternatives. The applicant has provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. CCWD is proposing to purchase 2.10 acres of shallow freshwater emergent marsh habitat at a USFWS and USACE-approved bank to fully mitigate effects to listed fish species (i.e., delta

smelt). If a joint USFWS and USACE-approved bank is not available, the applicant is proposing to contribute to the USFWS delta smelt species fund to satisfy endangered species requirements. The applicant recognizes that the USFWS species fund does not satisfy the requirements of the CWA. If an approved mitigation bank for delta smelt is not available, then the USFWS species fund will be utilized and the applicant will also participate in a USACE-approved mitigation bank to mitigate for loss of wetlands at a 1:1 ratio. The construction of the levee reinforcement on Victoria Canal will result in permanent fill of 0.41 acre of agricultural drainage ditch at the toe of the existing levee. CCWD is proposing on-site mitigation for the loss of this feature. A drainage ditch at the toe of the reinforced levee, totaling 0.48 acre, will be created after construction is complete.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water Quality certification pursuant to Section 401 of the CWA from the Regional Water Quality Control Board (Regional Water Board) is required for this project. The applicant will apply for certification. The applicant will also apply for a Section 1600 Streambed Alteration Agreement from the California Department of Fish and Game.

HISTORIC PROPERTIES: A Cultural Resources Inventory and Evaluation Report for the Contra Costa Water District's Alternative Intake Project was completed in January 2007 and updated in June 2007. The report concludes that there are no resources within the Area of Potential Effects that are eligible for inclusion in the National Register of Historic Places.

ENDANGERED SPECIES: The Proposed Action may affect federally listed endangered or threatened species or their critical habitat. Reclamation has been in informal consultation with the National Marine Fisheries Service (NMFS), the Department of Fish and Game (DFG) and US Fish and Wildlife Service (USFWS) since the beginning of 2005 when the project was in its early planning stages. In May 2006, an Action Specific Implementation Plan (ASIP) was completed and circulated as part of the Draft Environmental Impact Report/Environmental Impact Statement. CCWD and Reclamation initiated formal consultation with NMFS and USFWS in August 2005 pursuant to Section 7 of the Endangered Species Act. USFWS is also preparing a Fish and Wildlife Coordination Act report. USFWS have reviewed the ASIP and provided formal Biological Opinion on May 16, 2007. The biological opinion from NMFS is pending. DFG will review the ASIP and will provide a consistency determination for the California Endangered Species Act. The Biological Opinion and consistency determination are expected to be issued in early 2007.

ESSENTIAL FISH HABITAT: Reclamation has consulted with NMFS for effects on Essential Fish Habitat, as defined in the Magnuson-Stevens Fishery Conservation and Management Act. It has been determined through consultation that the Proposed Action would have a low potential to cause adverse effects to the special-status species and their habitats. The Proposed Action would have a long-term beneficial effect by reducing net fish entrainment losses at CCWD's Rock Slough intake. As part of the design, construction, and regular operation of the proposed intake facility on Victoria Canal, CCWD will implement conservation measures to avoid or minimize the potential adverse effects to fisheries and aquatic resources, including incidental take and adverse effects on habitat. NMFS has concurred with Reclamation's Essential Fish Habitat consultation.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and

utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200500537, must be submitted to the office listed below on or before August 19, 2007:

Peck Ha, Project Manager
US Army Corps of Engineers, Sacramento District
Delta Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Peck.Ha@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Peck Ha, 916-557-6617, Peck.Ha@usace.army.mil.

Attachments: 2 drawings